

REMARKS

Claims 1-3 are rejected. New Claims 4-12 are added. Claim 1-12 are pending.

Support for added Claims 4-12 is found in the specification as originally filed. No new matter is added. By way of exemplar, Page 8 discloses radioactive isotopes and page nine discloses monoclonal antibodies. Page 9 also discloses differentiators selected from the group of peptides and nucleotides, and markers which can be nano-particles. Pages 9 and 10 disclose the use of liposomes to carry a substance to target cells. Starting at Page 33, differentiator methods are disclosed, including a method employing monoclonal antibodies with different radioactive markers. Page 35 discloses subtracting signals coming from two markers. Multiple detector configurations, such as two detector configurations, are disclosed at page 23. Collimating devices are disclosed at pages 21 and 22. Tracking the position of the capsule (and detector) is disclosed at page 23 and page 24.

102 Rejection:

Claims 1-2 are rejected as anticipated by Kovacs (US 5,833,603). It is respectfully urged that this rejection is improper for at least the following reason.

First, it appears the Examiner's rejections are directed to claims in copending application PCT/US03/36510 (atty docket END 5240), because some of the Examiner remarks do not appear to be related the claims being examined (e.g. the Examiner states that Kovacs discloses a machine for verifying at least one of the detector and substance are suitable for use. On the other hand, the Examiner does not appear to address the specific method steps set forth in pending Claims 1-2.). Accordingly, the Examiner is respectfully requested to make the next office action a non-final office action so that the Applicant has a first full and fair opportunity to respond to the rejections.

With respect to Claim 1, it is respectfully urged that Kovacs does not teach marking target cells in the body with a signal emitting substance. Instead, Kovacs is directed to implanting a transponder. It is also respectfully urged that Kovacs does not teach differentiating between signals associated with target cells and signals associated with non target cells.

With respect to Claim 2, it is respectfully urged that Kovacs does not teach the step of administering to a patient a material comprising at least one signal emitting substance and at least one substance having an affinity for a target cell type.

It is also respectfully urged that Kovacs does not teach directing a detector through the GI tract. It is also respectfully urged that Kovacs does not teach differentiating between signals associated with target cells and signals associated with non-target cells.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1 and 2 as anticipated by Kovacs.

103 Rejection

Claim 3 is rejected as obvious over Kovacs in view of Iddan et al. It is respectfully urged that this rejection is improper for at least the following reasons.

First, it appears the Examiner's rejections are directed to claims in copending application PCT/US03/36510 (atty docket END 5240), because some of the Examiner remarks do not appear to be related the claims being examined (e.g. the Examiner states that Kovacs discloses a machine for verifying at least one of the detector and substance are suitable for use. On the other hand, the Examiner does not appear to address the specific method steps set forth in pending Claim 3.). Accordingly, the Examiner is respectfully requested to make the next office action a non-final office action so that the Applicant has a first full and fair opportunity to respond to the rejections.

Second, the Examiner has provided no motivation in the art for combining the two references. In particular, it is not seen why one would be motivated to combine the implant of Kovacs with the swallowable device of Iddan et al.

Additionally, with respect to Claim 3, it is respectfully urged that neither Kovacs or Iddan et al. teach or suggest administering to a patient a material capable of targeting a target cell type.

Also, it is not seen how either Kovacs or Iddan et al. teaches administering a clearing agent for removing the material which is not bound to a target cell type.

Accordingly, withdrawal of the rejections is requested.

The Examiner is respectfully requested to consider the Claims as amended.

Respectfully submitted,

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